

Remarks

Reconsideration of this Application is respectfully requested. In response to the Final Office Action mailed July 29, 2005, Applicant submits the following. Claims 1-6, 8-18, and 20-25 are pending.

Based on the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Response to Arguments

On pages 7-8, the Action responds to the remarks presented in the previous Amendment filed June 24, 2005. The Action presents arguments in support of the rejection of claims 1-6, 8-18 and 20-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,001,752 to Fischer (hereinafter “Fischer”), in view of U.S. Patent No. 6,466,048 to Goodman (hereinafter “Goodman”), in further view of the Handbook of Applied Cryptography by Menezes et al. (hereinafter “Menezes”). In the paragraph bridging pages 7-8, the Action alleges that column 8, lines 53-67 of Goodman teach “a pseudo test mode which allows the contents of the secure memory, the secure electronic key, to be used in the test mode in order to allow for testing. And as in column 7 lines 39-55 Goodman teaches the secure electronic key being used in a second mode, which is used for timestamping.”

For at least the following three reasons, Applicant disagrees with the above assertions made in the Action alleging that the cited references in combination render claim 1 obvious under 35 U.S.C. § 103(a)

First, Goodman does not teach using the secure electronic key in the pseudo test mode for test operations, contrary to the assertion made in the Action. Specifically, Goodman does not teach or suggest “the processor operable in a first mode wherein the secure encryption key is used for encryption operations and for test operations,” as recited in claim 1. On pages 7-8, the Action alleges that column 8, lines 53-67 of Goodman teaches this feature. Applicant respectfully disagrees. This section of Goodman does not teach the secure electronic key being useable for test operations in the pseudo test mode. Instead, Goodman states that a user performing test operations in the pseudo test mode may assume that the first data bank 44a works correctly, and that the user is

able to complete the test functions within the pseudo test mode and avoid permanent erasure of the secure electronic keys that are required when the circuit is switched back to a work mode. Nowhere does this section of Goodman teach or suggest that the secure electronic key is being used for test operations. In fact, lines 53-56 of column 8 of Goodman state that when the system has other than a true test mode (i.e., the pseudo test mode), “it is other than possible to probe the contents of the data bank 44a that store secure data.” As discussed in column 8, lines 5-6, Goodman teaches that the secure electronic key is stored in the data bank 44a. Thus, the secure electronic key of Goodman is inaccessible in the pseudo test mode, and is not useable for test operations, contrary to the assertion made in the Action. Hence, Goodman does not teach using the secure electronic key in the pseudo test mode for test operations. Thus, Goodman does not teach or suggest “the processor operable in a first mode wherein the secure encryption key is used for encryption operations and for test operations,” as recited in claim 1.

Second, Goodman does not teach using the secure electronic key in encryption operations in the pseudo test mode. Specifically, Goodman does not teach or suggest “the processor operable in a first mode wherein the secure encryption key is used for encryption operations and for test operations,” as recited in claim 1. On pages 7-8, the Action alleges that the pseudo test mode is the mode of Goodman where the secure electronic key is used for testing. Based on this reasoning, this implies that the pseudo test mode must also be the mode that uses the secure electronic key for encryption operations. However, Goodman does not teach using the secure electronic key for encryption operations in the pseudo test mode. Instead, Goodman teaches that the secure electronic key is not accessible during the pseudo test mode (see Goodman, col. 7, lines 53-55, col. 8, lines 53-56). Nowhere does Goodman teach using the secure electronic key for encryption operations and for test operations in the pseudo test mode. Thus, Goodman does not teach or suggest “the processor operable in a first mode wherein the secure encryption key is used for encryption operations and for test operations,” as recited in claim 1.

Third, Goodman does not teach using the secure electronic key in multiple modes, contrary to the assertion made in the Action. Specifically, Goodman does not teach or suggest “the processor operable in a first mode wherein the secure encryption key is used for encryption operations and for test operations and in a second mode in which the secure encryption key is only used for

timestamping operations,” as recited in claim 1. On pages 7-8, the Action alleges that the secure electronic key of Goodman is useable in the psuedo test mode and “in a second mode, which is used for timestamping.” Applicant respectfully disagrees. Goodman does not teach using the secure electronic key in multiple modes. Instead, Goodman teaches that the secure electronic key is not accessible in the test mode or in the psuedo test mode (see Goodman, col. 7, lines 53-55, col. 8, lines 53-56). The only other mode of Goodman is the work mode (see Goodman, col. 4, lines 13-16). Thus, Goodman does not teach using the secure electronic key in multiple modes. Therefore, Goodman does not teach or suggest “the processor operable in a first mode wherein the secure encryption key is used for encryption operations and for test operations and in a second mode in which the secure encryption key is only used for timestamping operations,” as recited in claim 1.

For each of the three above arguments, the Action does not rely on the Fischer reference or on the Menezes reference for a teaching of these features, and in fact, neither reference teaches any such features. Additionally, Applicant notes that a further description of Fischer and Menezes was included with the previous amendment filed June 24, 2004. Applicant respectfully requests that the Examiner also reconsider the arguments presented in the previous amendment, which are not included herein for brevity. Thus, for at least the three reasons stated above, Goodman does not teach the features as alleged in the Action. Therefore, the Action does not establish a *prima facie* case of obviousness to reject claim 1 under 35 U.S.C. § 103(a) based on the combined teachings of Goodman, Fischer, and Menezes.

Accordingly, claim 1 is allowable over the cited references and allowance thereof is respectfully requested.

Claims 2-6 and 8-10, which depend from claim 1, are also in condition for allowance because of their dependence on an allowable claim.

(B) Claim 11 is allowable for reasons analogous to those given for claim 1 and allowance thereof is respectfully requested.

Claims 12-14, which depend from claim 11, are also in condition for allowance because of their dependence on an allowable claim.

(C) Claim 15 is allowable for reasons analogous to those given for claim 1 and allowance thereof is respectfully requested.

Claims 16-18, which depend from claim 15, are also in condition for allowance because of their dependence on an allowable claim.

(D) Claim 20 is allowable for reasons analogous to those given for claim 1 and allowance thereof is respectfully requested.

Claims 21-24, which depend from claim 20, are also in condition for allowance because of their dependence on an allowable claim.

(E) Claim 25 is allowable for reasons analogous to those given for claim 1 and allowance thereof is respectfully requested.

Accordingly, claims 1-6, 8-18, and 20-25 are in condition for allowance and allowance thereof is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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